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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,294	03/22/1999	DAVID GUNTER	MS1-298US	8214

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EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/274,294

Applicant(s)

GUNTER ET AL.

Examiner

Taghi T. Arani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 1-29/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-20 were pending for examination.

Unchanged claims 1 and 4 remain rejected under 35 USC 102 (e) over prior art of record, Shwed et al, U.S. Pat., 5,835,726 as applied in the previous office action, see pages 3-5 for the rejection of claims 1 and 4.

Unchanged claims 2,5-6, and 8-11 remain rejected under USC 103(a) over prior art of record, Shwed and Bruce Schneier, Applied Cryptography, Second Edition, 1996, published by John Wiley & Sons, Inc. as applied in the previous office action, see pg.6, paragraphs 1-3,pg. 7, paragraph 3, pg. 8, paragraph 3pg. 8, paragraphs 3-5.

Amended claim 3 is rejected under 35 USC 103 (a) over Shwed and Schneier.

Claim 3 is amended as reciting “signing the encrypted session key using a private key associated with one of the endpoints”.

In previous office action, the Examiner assumed this limitation , see pg. 6, paragraph 4 and pg. 2, paragraph 6. By amending claim 3 , the Examiner withdraws the rejection of claim 3 under 35 USC 112 addressed in the previous office action.

Amended claim 7 is rejected under 35 USC 103 (a) over Shwed and Schneier.

Claim 7 is amended as reciting “In a network system having an internal client.....”. The Examiner assumed an “internal” client in the statement of rejection of claim 3 in the previous office action, see pg. 2, paragraph 4 and pg. 8, paragraph 6.

By amending claim 7, The Examiner withdraws the rejection of **claims 7-11** under USC 112 addressed in the previous office action.

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Amended claims 12-15 are rejected under 35 USC 103 (a) over Shwed and Schneier.

Amended claims 12-15 recite the limitation “client device” and “intermediary device”.

In the previous office action , the Examiner assumed such “client device” and “intermediary device”, and shwed’s Host computer (Host1 and Host2) and Firewall (Firewall1 and Firewall2) corresponds to Applicant’s client device and intermediary device, see statement of rejection of claims 12-15 provided in the previous office action, pg.9, paragraph 7-10 and pg. 10, 1st paragraph.

By amending claims 12-15, The examiner withdraws the rejection of claims 12-15 under USC 101 addressed in the previous office action.

Claim 16 is amended to recite a code “stored on computer media and executable on a processor”.

By amending claims 16-18, the examiner withdraws the rejection under USC 101 addressed in the previous office action.

Claims 16-18 are rejected under 35 USC 103 (a) over Shwed and Schneier.

The Examiner assumed such “computer media” and processor to store and to execute computer codes in the previous office action, see pg. 10 , paragraphs 2-4.

Claim 19 is rejected under 35 USC 103(a) over Schwed and Schneier.

Amended claim 19 recites the limitation “internal “ client. The Examiner assumed internal client in the statement of rejection of claim 19. That is, Claim 19 is an apparatus corresponding to amended method claim 5. it is rejected as such, see pg. 7, paragraph 3 and pg. 10 , paragraph 3 of previous office action.

Response to Amendment

Applicant's arguments filed 10/29/2002 regarding the rejection of the claims 1-20 over prior art of record have been fully considered but they are not persuasive.

Applicant argues that his invention concerns "a network architecture in which two endpoints communicates via a virtual private (VPN) on an otherwise public network, such as Internet, and an intermediary is permitted to inspect the data communication in a secure and trusted manner", page 10, 4th paragraph. The Examiner responds that Shwed's invention also concerns "an encryption scheme for securing the flow of data over insecure public networks, such as the internet, thus forming a VPN.", see col. 2, lines 62-65 and "to control information flow by a packet filter capable of examining every packet of information flowing past a node in the system, the packet being encrypted.", see col. 2, lines 37-40.

As per Applicant argument relating to rejection of claims 1 and 4, page 11, 4th paragraph through page 14 3rd paragraph, the Applicant argues that Shwed does not disclose that the host computers use a session key known to each other. Instead, Shwed uses firewalls to generate session keys,..... not the host computers", see pg. 12 3rd paragraph. The Examiner responds that "host computer" to "generate session key" was not claimed. Furthermore, the Examiner argues that Shwed desires that the communications between Host1 and Host2 be secured, see col. 14, lines 40-41 and that the encryption and decryption operations performed by firewall1 and firewall2 are transparent (i.e. known) to host1 and host2, see col. 14, lines 52-53. That is, Firewall1 and Firewall2 both act as secure pathway for host1 and host2 as well as an intermediary to examine the data packet flowing from host 1 to host2 or vice versa. In other words, the

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Firewall 1 is a source of transmitting encrypted packet to intermediary firewall 2, while it is also an intermediary point for inspecting packets received from host2. The Examiner further argues that Firewall1 with respect to firewall2 is considered an endpoint relative to an intermediary point while the reverse is also true that the Firewall2 is an endpoint relative to firewall1 acting as an intermediary, see also col. 20, lines 33 through page 23, line 13.

AS per Applicant's argument relating to rejection of claims 2, 3 and 5-20, page 14, paragraph 4, the Applicant reasserts the same arguments as with claims 1 and 2, the Examiner reasserts the same response as stated above with respect to Applicant reassertion that the shwed/Schneier combination does not suggest nor teach the Applicant's claimed invention, see page 17. The Examiner disagrees, claims 2, 3 and 5-20 remain rejected as addressed in the previous office action under 35 USC 103.

Action is Final

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from examiner should be directed to Taghi Arani, whose telephone number is (703) 305-4274. The examiner can normally be reached Monday through Friday from 7:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached at (703) 305-9711. The Fax numbers for the organization where this application is assigned are:

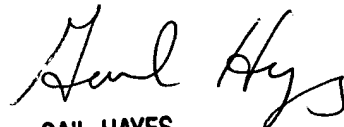
After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7240

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